



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Bosco Contracting, Inc.--Request for
Reconsideration

File: B-232286.2

Date: November 8, 1988

DIGEST

A protest file which was closed because the protester failed to file timely comments with the General Accounting Office (GAO) within 10 working days after the protester received a copy of the contracting agency's report will not be reopened where the comments were sent only to the contracting agency, not GAO.

DECISION

Bosco Contracting, Inc., requests that we reconsider our dismissal of its protest concerning invitation for bids No. DAHA90-88-B-5029, for custodial services at Rickenbacker Air National Guard Base, Columbus, Ohio. We affirm our dismissal.


We dismissed Bosco's protest because the protester failed to respond to the contracting agency's report within the time required under our Bid Protest Regulations, 4 C.F.R. § 21.3(k) (1988). In pertinent part, that regulation provides that "[c]omments on the agency report shall be filed with the General Accounting Office within 10 days after receipt of the report. . . ." (Emphasis added.) To date, Bosco has not provided our Office with any comments.

In its request for reconsideration, Bosco states that it received the agency report on September 23, and mailed its comments via Express Mail on October 5, for delivery on October 6, the 9th day after receiving the report. As evidence, Bosco submits an Express Mail receipt showing that

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its comments were addressed to the contracting agency, not our Office.^{1/}

In identical situations involving comments sent to the contracting agency rather than to our Office, we have affirmed our earlier dismissals for failure to file within the prescribed time frame, noting the need for a speedy and just resolution of protests without undue disruption of the procurement process. See J.H. Baxter & Co.--Request for Reconsideration, B-229582.10, Mar. 14, 1988, 88-1 CPD ¶ 261. Accordingly, we affirm our prior dismissal of Bosco's protest.


James F. Hinchman
General Counsel

^{1/} The address on the receipt is: HQDA 9DAJA-KLO, Attn: Bid Protest Branch, Room 2C439, The Pentagon, Washington, D.C. 20310-2208.